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AM 2009-009

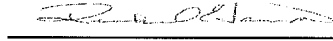
ORDINANCE CREATING SINGLE-SOURCE RESIDENTIAL WASTE AND RECYCLING SERVICE UTILITY WITHIN TOWN OF FREDERICK

Agenda Date: Town Board Meeting - January 13, 2009

Attachments: a. Ordinance No. ____ amending FMC, by creating a Single-source Residential Waste and Recycling Service Utility

Fiscal Note: None noted or provided Fiscal note


Finance Director

Submitted by: 
Town Attorney

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector ____ Laptop ____

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

There is a need to amend the Town Code by creation of a new utility in Chapter 13 of the Code, to be added as Article VII to that Chapter. The utility to be added would be a single-source residential waste and recycling collection service utility, providing the structure for administration and funding of the single-source waste collection service beginning this month.

Detail of Issue/Request:

On September 9, 2008, at a regular meeting of the Town Board of Trustees, the Town of Frederick established a single-source waste collection service to provide consistent, uniform curb-side collection of residential waste and recyclables. Thereafter, the Town negotiated a service contract with a private waste collection service and prepared to pass through the cost of that service to Town residents whose properties are served under that contract. In anticipation of coordinating collection of waste collection service fees with current billing for water and sanitation services on the east side of I-25 and pending

storm water management fees, and to establish a consistent billing practice throughout the Town's boundaries for collection of municipal services payments, it is proposed that the single-source residential waste collection service be codified as a municipal utility in the Town's municipal code.

The new provisions for a Single-source Residential Waste and Recycling Collection Utility can be modeled on the recent amendment to Chapter 13 of the Town Code creating the Storm Water Management Utility. The model language in the attached Ordinance includes an enforcement mechanism for nonpayment of waste collection service fees-- filing liens with Weld County against the subject real property.

Legal/Political Considerations:

Some Town residents have expressed resistance to the adoption of a single-source waste collection practice, as they would prefer to have a choice on when and how their residential waste and recyclables are collected. The Town has followed the procedure provided under §30-15-401(7.5)(b), C.R.S. for adoption of a local waste management program, which included a period when public comment was to be submitted and considered. Codifying the structure of the single-source waste collection service as a utility will add official support behind the action of the Town to pursue this arrangement for waste collection within the Town and provide express penalty/enforcement provisions to present to residents who may choose not to pay for the services provided.

Alternatives/Options:

The alternative to creating a new waste and recycling collection service utility in the Town Code is to continue with separate billing for water and waste collection services. If a resident chooses not to pay for the waste collection services, a lien can still be filed under § 31-20-105, C.R.S., but the practice of compelling residents to use and pay for the single-source waste service may be subject to challenge as the structure of the service, including the enforce policy, is not expressly contained in the Town Code.

Financial Considerations:

The Town currently pays the single-source waste collection provider, Waste Management, directly for its services and then the Town bills served residences to recoup that cost. Codifying the service as a utility will help guarantee recovery of the associated service costs.

Staff Recommendation:

Staff recommends supporting this Ordinance and amendment to the Frederick Municipal Code.